

SUGGESTIONS FOR TESTIFYING

ANSWER ALOUD AND CLEARLY: The court is recording your testimony. Shrugging shoulders and nods are not audible answers. Try to speak slowly so the court can understand you.

LISTEN TO THE QUESTION: Focus on what the attorney or judge asks.

IF YOU DON'T UNDERSTAND THE QUESTION, SAY SO: Attorneys and judges don't always ask their questions clearly. You won't look foolish by saying you don't understand the question.

ANSWER YES OR NO WHEN POSSIBLE: The DA will ask questions first, usually one at a time. Don't feel the need to volunteer more than you are being asked. The DA will ask more questions to get the information the court needs to hear. Resist the urge to explain your answers.

Correct: Q: On the day in question, did you eat breakfast?

A: No.

Incorrect: A: No, because I was running late for work.

IF AN ATTORNEY OBJECTS, STOP TALKING: Don't worry about whom is objecting or why. The judge will decide if you should answer. Once the judge rules on the objection, you will be directed on whether to answer.

DO NOT GUESS: If you do not know the answer to a question, say so. If you don't remember a specific detail, don't try to make up or guess the detail; it's okay to admit you don't recall. But if your testimony is "I don't remember", it should be the truth. Don't withhold details just because you don't want to answer a question.

ALWAYS TELL THE TRUTH: Even if the answer to a question is embarrassing, you must testify honestly. The information is important to the jury, as they need as much information as possible to deliberate fairly. The DA will do everything possible to protect you while you are on the witness stand.

NEVER LET ANYONE PUT WORDS IN YOUR MOUTH: If you are sure of your answer, stick to it and defend it.

BE YOURSELF AND STAY CALM: Don't allow yourself to get angry. If you need anything to make yourself more comfortable on the stand (water, tissue) don't be afraid to ask for it. If you are too upset to testify clearly and effectively, it's okay to ask for a break.

IT'S OKAY TO TALK TO THE DA PRIOR TO TESTIFYING IN COURT: If the defense attorney asks you if you discussed your testimony with the DA, it's okay to say yes. Be honest – it is necessary for you and the DA to be prepared – and it is 100% ethical.

DON'T LOOK AT THE DEFENDANT: You will get distracted if you look at the defendant during your testimony. The only time you shall look at the accused is when you are asked to identify them for the record. After that, there is no need to look directly at the defendant.